



JFW

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

PATENT APPLICATION

ATTORNEY DOCKET NO. 200316547-1

Inventor(s): Randy Hoffman et al

Confirmation No.: 1458

Application No.: 10/799961

Examiner: William F. Kraig

Filing Date: Mar 12, 2004

Group Art Unit: 2815

Title: Semiconductor Device

Mail Stop
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Transmitted herewith is/are the following in the above-identified application:

- ☐ Response/Amendment
☐ New fee as calculated below
☒ No additional fee
☒ Other Response to Restriction Requirement

- ☐ Petition to extend time to respond
☐ Supplemental Declaration

Fee\$

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS		MINUS		= 0	X \$50	\$ 0
INDEP. CLAIMS		MINUS		= 0	X \$200	\$ 0
<input type="checkbox"/> FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ \$360	\$ 0
EXTENSION FEE	<input type="checkbox"/> 1st Month \$120	<input type="checkbox"/> 2nd Month \$450	<input type="checkbox"/> 3rd Month \$1020	<input type="checkbox"/> 4th Month \$1590		\$ 0
OTHER FEES						\$
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 0

Charge \$ 0 to Deposit Account 08-2025. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450.

Date of Deposit: 12/21/05

Typed Name: Donald J. Coulman

Signature: Donald J. Coulman

Respectfully submitted,

Randy Hoffman et al

By Donald J. Coulman

Donald J. Coulman

Attorney/Agent for Applicant(s)

Reg No. : 50,406

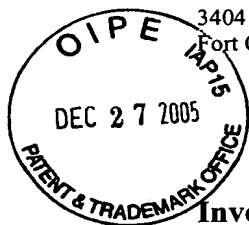
Date : 12/21/05

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PATENT APPLICATION
Attorney Docket No: 200316547-1

**IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE**



Inventors: Randy L. Hoffman et al.

Examiner: William F. Kraig

Application No: 10/799,961

Group Art Unit: 2815

Filing Date: March 12, 2004

Confirmation No: 1458

Title: SEMICONDUCTOR DEVICE

**COMMISSIONER FOR PATENTS
PO Box 1450
Alexandria, VA 22313-1450**

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

In response to Examiner's Office Communication dated November 30, 2005 Applicants respond as follows:

Examiner has identified three distinct inventions:

- I. Claims 1-20, 37-44, and 48-57, drawn to a semiconductor device, classified in class 257, subclass 288;
- II. Claims 21-36 drawn to a method of forming a semiconductor device 438, classified in class 438, subclass 197; and
- III. Claims 45-47 drawn to a method of using a semiconductor device classified in class 257, subclass 288.

Applicants respectfully traverse Examiner's restriction. Applicants believe that the restriction requirement is improper for two reasons. First, Examiner has not established a prima facie case for restricting the claims of the application. Applicants believe that Examiner must provide a reasoned explanation why the inventions as claimed are distinct as well as explaining why the distinct inventions must be restricted on the basis of either a separate classification, a separate status in the art, or a different field of search. Examiner in identifying groups I and III has provided no argument or explanation how these items are independent and distinct as required by 35 U.S.C. 121. Second, Examiner's restriction requirement has not established that an

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undue burden would be required if the restriction requirement either was not issued

with fewer groups. More particularly, MPEP §803 states:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

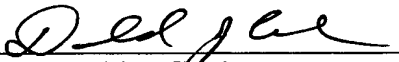
In the present application, no undue burden has been established if each of the claims were examined together. In particular, Examiner has neither indicated nor has given any arguments as to why prosecution of claims 45-47 in class 257, subclass 288 presents any serious burden as required by MPEP §803 when Examiner must search the same class and subclass for claims 1-20, 37-44, and 48-57.

The present restriction requirement not only improperly shifts the Examiner's burden to the Applicants, but also subjects the Applicants to the added financial burden of prosecuting different claims in an unreasonable number of separate proceedings. Applicants respectfully request that Examiner reconsider the current restriction and withdraw this restriction requirement.

Applicants hereby elect Group I, claims 1-20, 37-44, and 48-57, classified in class 257, subclass 288 with traverse.

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Respectfully submitted,
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Date: 21-Dec-05

